

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|--------------------|---|--------------------------|
| Mark R. Russell, | : | |
| Plaintiff | : | Civil Action 2:05-cv-846 |
| v. | : | JUDGE FROST |
| Sgt. Brian Reigal, | : | |
| Defendant. | : | |

ORDER

For the same reasons set forth in the Magistrate Judge's Report and Recommendation dated September 20, 2005, the Court concludes that plaintiff's complaint is clearly barred by res judicata and is therefore frivolous. Therefore, plaintiff's objections to the Report and Recommendation are OVERRULED and the Report and Recommendation is ADOPTED. This case is DISMISSED AS FRIVOLOUS.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE